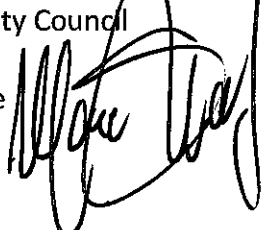




Council Report

776 N.E. 125 Street, North Miami, Florida 33161

To: The Honorable Mayor and City Council
From: Marc Elias, Jr., Chief of Police
Date: February 28, 2012
RE: Appointment of Code Enforcement Special Magistrate



RECOMMENDATION

The Police Department recommends that Patricia Saintvil-Joseph, Esq., be appointed as a Code Enforcement Special Magistrate for the City of North Miami.

BACKGROUND

Under Section 2-108 of City of North Miami Code of Ordinances, and pursuant to Florida Statutes, Ch. 162.03(2), Special Magistrates designated and determined to be qualified by the City Council shall have authority to adjudicate ordinance violations.

To be eligible for service as a Special Magistrate, a person must either: be a retired Florida judge, or be a member in good standing of the Florida Bar for at least five (5) years.

By code, a Special Magistrate's term of appointment shall be limited to one (1) year, and a Special Magistrate may be re-appointed by the City Council provided that said Magistrate possesses the qualifications required by code.

Ms. Saintvil-Joseph is a member in good standing with the Florida Bar since October 1996, and she is eligible to practice law in Florida.

ATTACHMENTS

Proposed Resolution

ME/APG/apg

L

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI, FLORIDA,
AUTHORIZING THE APPOINTMENT OF PATRICIA
SAINTVIL-JOSEPH AS SPECIAL MAGISTRATE FOR
CODE ENFORCEMENT PROCEEDINGS AND
AUTHORIZING THE CITY MANAGER AND THE CITY
ATTORNEY TO EXECUTE A ONE (1) YEAR LETTER OF
AGREEMENT WITH THE SPECIAL MAGISTRATE, IN
SUBSTANTIALLY THE ATTACHED FORM; PROVIDING
FOR AN EFFECTIVE DATE AND ALL OTHER
PURPOSES.**

WHEREAS, the City of North Miami ("City") Code of Ordinances ("Code") allows for the appointment of up to three Special Magistrates for Code Enforcement procedures; and

WHEREAS, the City Code requires that the Special Magistrates be either retired Florida judges or members in good standing of the Florida Bar for at least five (5) years; and

WHEREAS, City Administration has reviewed the qualifications of the proposed Special Magistrate and determined the candidate to be the best suited for the needs of the City and desires to enter into a one (1) year agreement; and

WHEREAS, the Mayor and City Council desire to designate and appoint the recommended candidate as Special Magistrate for Code Enforcement proceedings for a one (1) year period with an option to renew for an additional one (1) year term.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Designation of Special Magistrate. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the appointment of Patricia Saintvil-Joseph as Special Magistrate for Code Enforcement proceedings and authorize the City Manager and the City Attorney to execute a one (1) year Letter of Agreement with the Special Magistrate, in substantially the attached form.

Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of February, 2012.

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

ROLAND C. GALDOS
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Andre D. Pierre, Esq.	_____ (Yes)	_____ (No)
Vice Mayor Jean R. Marcellus	_____ (Yes)	_____ (No)
Councilperson Michael R. Blynn, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)

February 29, 2012

Patricia Saintvil-Joseph, Esq.
13377 West Dixie Highway, Suite 2B
North Miami, FL 33161

RE: APPOINTMENT AS SPECIAL MAGISTRATE

This correspondence sets forth a Letter of Agreement ("Agreement") between the City of North Miami, a Florida municipal corporation ("City"), and Patricia Saintvil-Joseph, Esq., as an independent legal contractor for Code Enforcement proceedings ("Special Magistrate"). The City and Special Magistrate shall collectively be referred to as the "Parties".

The Parties agree as follows:

1. **Appointment of the Special Magistrate:** Pursuant to the City Charter, the City Council appoints Attorney Patricia Saintvil-Joseph, as a Special Magistrate, effective February 29, 2012.
2. **Term:** This Agreement is for a term of one (1) year with an option to renew for an additional one (1) year term, unless earlier terminated pursuant to this Agreement.
3. **Independent Contractor:** The Special Magistrate shall be deemed to be an independent contractor and not an agent or employee of the City. The Special Magistrate shall not attain any rights or benefits under the City's Civil Service or Pension Ordinances or any rights generally afforded to the City's classified or unclassified employees. Therefore, the Special Magistrate is not entitled to Florida Workers' Compensation benefits.
4. **Compensation:** The Special Magistrate shall be compensated at \$125.00 per hour for services, non-inclusive of travel time to and from Code Enforcement hearings.
5. **Right of City to Terminate:** The City retains the right to terminate this Agreement, with or without cause, upon thirty (30) days written notice at any time prior to the completion of the above services without penalty. The City shall only be responsible to pay the Special Magistrate for any services actually rendered up to the date of termination.
6. **Notice:** All notices or other communications which shall or may be given pursuant to this Agreement shall be in writing and shall be delivered by personal service, or by registered mail addressed to the other party at the address indicated or as may be changed from time to time. Such notice shall be deemed given on the day on which personally served, or if by mail, on the date of actual receipt.

If to Special Magistrate: Patricia Saintvil-Joseph, Esq.
13377 West Dixie Highway, Suite 2B
North Miami, FL 33161

If to City: City Manager
City of North Miami
776 N.E. 125th Street
North Miami, FL 33161

With a copy: City Attorney
City of North Miami
776 N.E. 125th Street
North Miami, FL 33161

Code Compliance Manager
City of North Miami
776 N.E. 125th Street
North Miami, FL 33161

Chief of Police North Miami
North Miami Police Department
700 N.E. 124th Street
North Miami, FL 33161

7. **Acceptance:** Please indicate your agreement with the foregoing terms and provisions by signing below and returning an executed copy of this letter to the undersigned.

For Special Magistrate:

For City of North Miami:

By: _____
Patricia Saintvil-Joseph, Esq.

By: _____
Stephen E. Johnson, City Manager

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

Roland C. Galdos
Interim City Attorney

Enclosure

cc: Marc E. Elias, Chief of Police
Donald Blanchard, Police Supervisor
Alan Graham, Code Compliance Manager